

CONCURRENT EMPLOYMENT DEFINITIONS, INSTRUCTIONS AND POLICIES

DEFINITIONS

CONCURRENT EMPLOYMENT: Services concurrently provided by a state employee for two (2) or more institutions/agencies. Also, under certain circumstances, an employee may be concurrently employed by the same institution/agency. The employee's combined salary payments from the institution/agency is not to exceed the larger maximum annual salary of the line-item position authorized for either institution/agency from which the employee is being paid. Employees who perform services for their primary employer outside regularly scheduled hours of work may be paid additional compensation if such services constitute independent, additional duties over and above those of the employee's primary position within the institution/agency. Additional compensation will be allowed only when the services rendered are clearly not a part of the employee's regular (primary) job. Such additional services must meet the criteria as specified in Arkansas Code Annotated §§ 6-63-307 & 19-4-1604. All concurrent employment requests are subject to the approval of the Chief Fiscal Officer of the State prior to implementation.

PRIMARY EMPLOYER: The State institution/agency having primary control over the services of the employee.

SECONDARY EMPLOYER: The State institution/agency engaging for compensation the services of any employee for whom it is not the primary employer.

GENERAL INSTRUCTIONS

Concurrent employment requests may be sent to OPM as an attachment to e-mail addressed to OPMRTS@dfa.state.ar.us. This method allows OPM to expedite requests in a timely and efficient manner, provided no further information is needed. Requests may also be faxed to OPM at 501-682-5104 or sent by regular mail. Please do not send duplicate copies. Regardless of the process selected, the secondary employer should have all sections of the request form completed and sent to OPM at least five working days before the proposed hire date. If submitted after this date, written justification must be included. Incomplete and late requests without written justification cannot be processed by OPM until complete information and/or written justification is received.

All sections of the request form, including items A through F for both the primary and secondary employers, are to be completed prior to sending to OPM.

POLICIES

- **CONCURRENT PAYMENT FROM EXTRA-HELP POSITION**

If an employee is paid by either the primary or secondary employer from an extra help position (line item #999/position#A000), a regular title from the institution/agency's appropriation act must be designated to determine a maximum allowable salary.

- **TIME FRAMES**

Concurrent employment shall be limited in duration to the specific time frame approved and cannot exceed twelve (12) months or extend beyond fiscal years.

- **RECORD KEEPING**

All concurrent employment records, including related leave records, are subject to audit by appropriate authorities. Secondary and primary employers should maintain the notices of approved concurrent employment requests.

- **LEAVE TIME**

No employee can receive additional compensation for concurrent employment services performed during primary employment regularly scheduled hours of work (this includes mealtimes and breaks) unless the employee takes annual leave or leave without pay from the primary employer. Leave documents must be maintained as required.

- **COMBINED SALARY PAYMENTS**

An employee may work for two institutions/agencies concurrently provided that the combined salary payments from the institutions/agencies do not exceed the larger maximum annual salary of the line-item position authorized for either institution/agency from which the employee is being paid. However, state employees may teach temporarily at state-supported institutions of higher education even though their combined salaries will exceed the line-item maximum (Arkansas Code § 19-4-1604(b)).

- **FLSA COMPLIANCE**

Both the secondary employer and the primary employer are responsible for determination of the appropriate rate of pay based on the Fair Labor standards Act (FLSA) requirements for non-exempt employees. The secondary employer may be required to pay overtime rates to non-exempt employees.

- **LEAVE ACCRUAL**

Excluding faculty/instructor/adjunct teaching positions at universities, colleges and vo-techs, annual, sick and holiday leave may be accrued in a secondary employment position proportionate to the hours worked in both primary and secondary employment. However, no person concurrently employed by two state agencies, who is eligible for secondary employment leave accrual, shall be allowed to accrue annual, sick and/or holiday leave, or any other fringe benefit, which would exceed that allowable by state law for work performed during a regular forty (40) hour work week.